

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 1430-93

C# M#

CROWE et al

Group Art Unit: 1816

Patent No. 5,876,961

Examiner: Eisenschenk, C.

Issued: March 2, 1999

Date: September 5, 2003

Title: PRODUCTION OF ANTIBODIES

Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450



RECEIVED
 SEP 9 2003
 OFFICE OF PETITIONS

Sir:

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
 MAINTENANCE FEE UNDER 1.378**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number			
previously paid for	20	(at least 20) =	0	x	\$ 18.00
					\$ 0.00

Independent claims after amendment	0	minus highest number			
previously paid for	3	(at least 3) =	0	x	\$ 84.00
					\$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)	\$ 0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months)	\$ 0.00
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Terminal disclaimer enclosed, add \$ 110.00	\$ 0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00)	\$ 0.00
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☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract	-\$ 0.00
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☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)	\$ 0.00
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Assignment Recording Fee (\$40.00)	\$ 0.00
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Other: Maintenance Fee Under 1.20(e) - \$890 and Surcharge Under 1.20(i)(2) - \$1640	2530.00
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TOTAL FEE ENCLOSED \$ 2530.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
 Arlington, Virginia 22201-4714
 Telephone: (703) 816-4000
 Facsimile: (703) 816-4100
 MJW:tat

NIXON & VANDERHYE P.C.
 By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: _____

Mary J. Wilson



#20
54

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CROWE et al

Atty. Ref.: 1430-93; Confirmation No.

Patent. No. 5,876,961

Group: 1816

Issued: March 2, 1999

Examiner: Eisenschenk, C.

For: PRODUCTION OF ANTIBODIES

* * * * *

September 5, 2003

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SEP 9 2003

OFFICE OF PETITIONS

Sir:

**PETITION TO ACCEPT UNINTENTIONALLY
DELAYED PAYMENT OF MAINTENANCE FEE UNDER 1.378**

The Director is hereby requested to accept the payment of the maintenance fee due in the above on September 2, 2002. The delay in payment of that fee was unintentional as evidenced by the attached Declaration of Mr. Guy Nash.

This Petition is being filed within 24 months after the six-month grace period as provided in 1.362(e).

Accompanying this Petition are:

- (1) the required maintenance fee 1.20(e); and
- (2) the required surcharge (1.20)(i)(2).

09/09/2003 00000107 5876961

Adjustment date: 09/12/2003 AKELLEY
09/09/2003 AWONDAF1 00000107 5876961
01 FC:1599 -2530.00 DP

09/12/2003 AKELLEY 00000012 5876961
1640.00 DP
890.00 DP
01 FC:1558
02 FC:1551

772286

CROWE et al
Patent. No. 5,876,961
September 5, 2003

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Mary J. Wilson
Mary J. Wilson
Reg. No. 32,955

MJW:tat
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
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Please type a plus sign (+) inside this box

+

PTO/SB/121 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

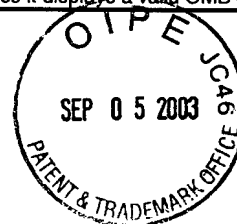
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CORRESPONDENCE ADDRESS INDICATION FORM

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Direct all correspondence to:



Customer Number:

23117

OR

Type Customer Number here

Place Customer
Number Bar
Label Here →

RECEIVED**SEP 9 2003****OFFICE OF PETITIONS**

Request for Customer Number (PTO/SB/125) submitted herewith.

in the following listed application(s) or patent(s):

Patent Number (if appropriate)	Application Number	Patent Date (if appropriate)	U.S. Filing Date
5,876,961	5,876,961	MAR 2 1999	March 2, 1999

Typed or
Printed Name

Mary J. Wilson

Signature

Date

September 5, 2003

Address of signer:

1100 North Glebe Road, 8th Floor
Arlington, VA 22202

(check one)



Applicant or Patentee



Assignee of record of the entire
interest. Statement under 37 C.F.R. §
3.73(b) is enclosed. (Form
PTO/SB/96)



Attorney or Agent of record

32,955

(Reg. No.)

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*



*Total of

1

forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Assistant Commissioner of Patents, Box CN, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

CROWE et al

Atty. Ref.: 1430-93

Patent No. 5,876,961

Issued: March 2, 1999

PRODUCTION OF ANTIBODIES

* * * * *

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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SEP 9 2003
OFFICE OF PETITIONS

DECLARATION OF GUY C. NASH

I, Guy C. Nash, hereby declare as follows:

1. I am Patent Counsel of GlaxoSmithKline, formerly Glaxo Wellcome Inc., the owner and assignee of record of U.S. Patent 5,876,961 ("the '961 patent").
2. The '961 patent was unintentionally allowed to lapse due to a failure to timely pay the required maintenance fee. The circumstances surrounding this unintentional lapse are detailed in the following paragraphs.
3. On or about November 5, 2001, I generated a report summarizing a year 2001 review of GlaxoSmithKline patent cases for which I am responsible.
4. This report identified the general title of the invention and GlaxoSmithKline case number associated with each title. This report also reflected recommendations and decisions as to the further prosecution and/or maintenance of each case number/title.

5. Included as part of this review were the patent cases associated with GlaxoSmithKline case number PA1260, which included the '961 patent.

6. As shown in the report attached hereto at Tab A (redacted to remove confidential information not relevant to the PA1260 cases), a decision was made to classify the PA1260 cases as "defensive" type cases.

7. The report at Tab A also shows that another case (other than those associated with case number PA1260) were to be abandoned.

8. Pursuant to GlaxoSmithKline's policies for its "defensive" type cases, patent protection was to be maintained in European, Japan and the United States. Attached at Tab B is an internal GlaxoSmithKline document headed "Pharmaceuticals – Proposed GlaxoSmithKline Filing Lists" (redacted to remove confidential information not relevant to the PA1260 cases) that reflects this policy.

9. Such patent protection and continued maintenance was obtained pursuant to GlaxoSmithKline instructions concerning the European and Japanese patent cases associated with case number PA1260, as reflected in the GlaxoSmithKline docketing reports attached hereto at Tab C.

10. In keeping with GlaxoSmithKline policy, such continued maintenance was to also be obtained with respect to the U.S. patent associated with case number PA1260, i.e., the '961 patent.

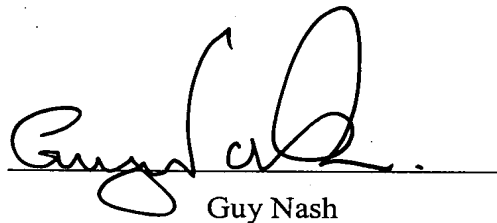
11. Due to an error in communication, however, instructions were sent to GlaxoSmithKline's U.S. patent counsel, Nixon & Vanderhye P.C., instructing that that '961 patent be allowed to lapse. Due to an inadvertent error within our formalities department, case PA1260 was included in a list of US patents and applications intended for abandonment. This list together with instructions was sent to GlaxoSmithKline's U.S. patent counsel, Nixon & Vanderhye P.C., instructing that the '961 patent be allowed to lapse.

12. It was never my intention, nor was it the intention of GlaxoSmithKline, to allow U.S. Patent 5,876,961 to lapse.

13. Now that we have become aware of the erroneous instructions to Nixon & Vanderhye P.C. that resulted in the failure to timely pay maintenance fees and subsequent lapse of the '961 patent, we have instructed Nixon & Vanderhye P.C. to file a Petition to accept the unintentionally delayed payment of the maintenance fees and to reinstate the '961 patent, because the lapsing of the '961 patent was unintentional.

14. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 29th July 2003


Guy Nash

Guy Nash

Case No.	Title	Recommendation	Decision
Redacted 27th July 2003 Guy Nash			
PA1260	PROCESS FOR PREPARING HUMAN MONOCLONALS	Commercial Product	Defensive
PA1282	GRE/LOX BAGULOVIRUS EXPRESSION SYSTEM	Abandon all patent filings	Abandon all patent filings
Redacted 27th July 2003 Guy Nash			
PG3635	Use of Butyrate for increased Protein Production	Abandon all patent filings	Defensive
Redacted 27th July 2003 Guy Nash			
PK3259	Methods for the Synthesis of FMOC Protected Amines		
PK3521	Multipurpose Robotic Workstation		
PK3570	Split Multi-Well Plate and Methods		
PK4177	Apparatus and Methods for Evaluating the quality of a Combinatorial Library of Compounds		
PK4179	Position triggered Dispenser and Methods		
PK4181	Syringe Assay System and Method		
PK4183	Malaria Peptides and Vaccines		
PK4203	Peptides and Compounds that bind to the IL-1 Receptor		
PK4204	Peptides and Compounds that bind to ELAM-1		
PK4206	Compounds and Peptides and Bind to the Erythropoietin Receptor		
PK4307	Photolabile Compounds and Methods for their Use		
PK4208	Novel Inhibitors of Metalloproteases, Pharmaceutical Compositions comprising same, and Methods of their Use		
PK4211	Novel Peptide Dimers as Agonists of the Erythropoietin Receptor and Associated Methods of Synthesis and Use		

05 Nov 2001

PHARMACEUTICALS - PROPOSED GSK FILING LISTS

	12 Month Stage	30 Month Stage (PCT National Phase)	EP Grant (EP National Phase)
DEFENSIVE			
	PCT (all States)	EPO: all states but no extension countries Japan USA	Belgium France Germany Italy Spain UK

Redacted

[Signature]

25th July 2003.

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PCMaster v3.03.02 - SmithKline Beecham - (Patent)

File Edit Records Utilities Tools Help

Docket Number: PA1260
 Country: European Patent Convention
 Case Type: Regular
 Relation Type: Original Filing
 Filing Type: European Patent Case
 Filing Number:

Attorney: Guy C. Nash
 Agent: Direct Filing
 Client/Division: Pharmaceuticals
 Applicant: The Wellcome Foundation Ltd.
 Previous Owner:

PROCESS FOR PREPARING HUMAN MONOCLONALS

License	Other No	Related Id	Title	Text and Recon	Priority	Applicants	Inventors
Filing Date	Related Party Info	More	Actions	Description	Expenses	Ext Files	
Status	Filed	First Filing Date	15JL1991				
Sub Status	Allowed	Sub Status Date	30DE2002				
Parent Country	Patent Cooperation Treaty	Parent Filing Date	14JL1992				
Parent Number	PCT.GB92.01282	Parent Grant Date					
Total Claims		Ind. Claims/Designs					
Application Number	92306420.8	Application Date	14JL1992				
Patent Number		Grant Date					
Publication Number	0523949	Publication Date	20JA1993				
Program	Core	Expiration Date	14JL2012				
Convention Type		Tax Base Date	31JL1992#				
		Next Tax Date	31JL2003#				

Created: 29NO2002 Updated: 12MY2003 12:24 AM By: JGV

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17:01

PCMaster v3.03.02 - SmithKline Beecham - (Patent)

File Edit Records Utilities Tools Help

Docket Number: PA1260
Country: Japan
Case Type: Regular
Relation Type: Original Filing
Filing Type: Patent Cooperation Treaty
Filing Number:
Attorney: Guy C. Nash
Agent: Suzupe & Suzupe
Client/Division: Pharmaceuticals
Applicant: The Wellcome Foundation Ltd
Previous Owner:
PROCESS FOR PREPARING HUMAN MONOCLONALS

Related Party Info
More
Actions
Text and Recom
Description
Priority
Expenses
Applicants
Ext Files
Inventors

Status: Filed
Sub Status: Published
Parent Country: Patent Cooperation Treaty
Parent Number: PCT.GB92.01282
Total Claims: 1
Application Number: 50245793
Patent Number:
Publication Number: 50288295
Program: Core
Convention Type:
First Filing Date: 15JL1991
Sub Status Date: 30MR1995
Parent Filing Date: 14JL1992
Parent Grant Date:
Ind. Claims/Designs: 1
Application Date: 14JL1992
Grant Date:
Publication Date: 30MR1995
Expiration Date: 14JL2012
Tax Base Date:
Next Tax Date:
Contact: 29NO2002
Updated: 19MR2003 11:41 AM
By: WAM

Start Click Program Neighborhood C:\WTSRV\System32\CM Microsoft Word Doc 17.02